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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No. 2:23-mj-01066-DJA

Plaintiff,

## **Stipulation to Extend Deadlines to Conduct Preliminary Hearing and File Indictment**

PAUL ALEXANDER HODGE,

## (Fifth Request)

Defendant.

IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson, United States Attorney, and Kimberly M. Frayn, Assistant United States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public Defendant and Benjamin F. J. Nemec, Assistant Federal Public Defender, counsel for Paul Alexander Hodge, (“Hodge”), that the Court vacate the preliminary hearing scheduled for December 23, 2024, at 4:00 p.m. and reschedule the hearing for a date and time convenient to this Court, but no sooner than 90 days from the current date. This request requires that the Court extend two deadlines: (1) that a preliminary hearing be conducted within 21 days of a released defendant’s initial appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an

1 information or indictment be filed within 30 days of a defendant's arrest, *see* 18 U.S.C.  
2 § 3161(b).

3 This stipulation is entered into for the following reasons:

4 1. Under Federal Rule of Criminal Procedure 5.1(c), the Court "must hold the  
5 preliminary hearing within a reasonable time, but . . . no later than 21 days [after the initial  
6 appearance] if [the defendant is] not in custody . . . ."

7 2. However, under Rule 5.1(d), "[w]ith the defendant's consent and upon a  
8 showing of good cause—taking into account the public interest in the prompt disposition of  
9 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more  
10 times . . . ."

11 3. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), "[a]ny  
12 information or indictment charging an individual with the commission of an offense shall  
13 be filed within thirty days from the date on which such individual was arrested or served  
14 with a summons in connection with such charges."

15 4. Defendant needs additional time to review the discovery and investigate  
16 potential defenses.

17 5. Both counsel for the government and counsel for the defense need additional  
18 time to prepare for the preliminary hearing.

19 6. Moreover, the parties have agreed to try to negotiate a global resolution to  
20 include the revocation violations<sup>1</sup> and the fraud matter in an attempt to resolve these cases  
21 and reduce the judicial and government resources required by this case. The defense  
22 requires additional time to adequately advise Hodge regarding any plea negotiations.

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24 <sup>1</sup> Supervised Release Revocation Petitions are pending in case number 2:21-CR-00200-RFB-VCF and in case number 2:21-cr-93-KJD-BNW.

1       7. The additional time requested herein is not sought for the purposes of delay,  
2 but to allow counsel for Defendant sufficient time to effectively and thoroughly research and  
3 prepare defenses and to determine whether to proceed with a preliminary hearing and  
4 indictment or to resolve this case through negotiations.

5       8. Accordingly, the parties jointly request that the Court schedule the  
6 preliminary hearing in this case no sooner than 90 days from the currently scheduled date.

7       9. Defendant is out of federal custody, agrees to the extension of the 21-day  
8 deadline imposed by Rule 5.1(c) and the 30-day deadline imposed by 18 U.S.C. § 3161(b),  
9 and waives any right to remedies under Rule 5.1(c) or 18 U.S.C. § 3161(b), provided that an  
10 information or indictment is filed on or before the preliminary hearing date ordered  
11 pursuant to this stipulation.

12      10. The parties agree to the extension of these deadlines.

13      11. Accordingly, the additional time requested by this stipulation is (a) allowed  
14 under Federal Rule of Criminal Procedure 5.1(d); and (b) excludable in computing the time  
15 within which the defendant must be indicted and the trial herein must commence pursuant  
16 to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under  
17 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

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12. This is the fifth request for an extension of the deadlines by which to conduct the preliminary hearing and to file an indictment.

DATED this 13th day of December, 2024.

Respectfully submitted,

RENE L. VALLADARES  
Federal Public Defender

JASON M. FRIERSON  
United States Attorney

/s/ Benjamin F. J. Nemec  
By \_\_\_\_\_  
Benjamin F. Nemec  
Assistant Federal Public Defender

/s/ Kimberly M. Frayn  
By \_\_\_\_\_  
**KIMBERLY M. FRAYN**  
Assistant United States Attorney

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No. 2:23-mj-01066-DJA

**Plaintiff,**

**[Proposed] Order on Stipulation to Continue Preliminary Hearing and Deadline to Indict Defendant**

PAUL ALEXANDER HODGE,

**Defendant.**

Based on the stipulation of counsel, good cause appearing, and the best interest of  
the defendant, the time requested by this stipulation being excludable in computing  
the time within which the defendant must be indicted and the trial herein must commence  
in accordance to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of  
Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for December 23, 2024, at the hour of 4:00 p.m., be vacated and continued to **March 24, 2025, at 4:00 p.m.**

DATED this 16th day of December, 2024.

HONORABLE DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE